REMARKS

Claims 1-17 remain pending in the present application. The claims have not been amended in response to this Office Action.

DRAWINGS

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the second fluid passage, as now claimed, must be shown or the feature(s) canceled from the claim(s). Applicants respectfully traverse this rejection.

Applicants believe that Figure 4 clearly illustrates the two fluid passages. As indicated by the Examiner on page 3 of the Office Action, Figure 4 shows via two arrows the path of flow. The specification defines these two fluid passages in paragraph [0031] and that they are not both open when the lower membrane 52b is seated on the land.

The first fluid passage is depicted by the upper arrow in Figure 4 and it is through passage 130 which is not opened or closed by lower membrane 52b since it is within two of the bottom plates 128. As defined in lines 5-8 of paragraphs [0031], passage 130 allows a small amount of fluid to pass from bottom chamber 126 into a chamber 132 to be communicated to outlet 116. Thus, during low flow rates, passage 130 is sufficient to allow venting of fluid from bottom chamber 126 to chamber 132. There is no additional flow of fluid at low flow rates defined by the specification since the flow through passage 130 is sufficient.

The second flow passage is depicted by the lower arrow in Figure 4 and this flow only occurs as the fluid flow increases. As described beginning on line 9 of paragraph

[0031], as the fluid flow increases, passage 130 is insufficient to handle the flow rate of fluid from chamber 126 to outlet 116. Therefore, lower membrane 52b flexes to open a flow path to allow sufficient fluid flow. This is the second fluid passage and it is between lower membrane 52b and support 140 and it is separate from the first flow passage through passage 130. If necessary, Applicants can change Figure 4 to Figures 4A and 4B with Figure 4A illustrating only the low flow rate through passage 130 and Figure 4B illustrating a flexed membrane 52b with the two flow passages illustrated in Figure 4. Applicants believe Figure 4 and paragraph [0031] provide the necessary support for the first and second, separate, fluid passages. Withdrawal of the objection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 112

Claims 1-6 remain rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicants respectfully traverse this rejection. Claim 1 defines that the membrane moves between a first position (flexed position described above) where the second fluid passage is open (between 140 and 52b) and a second position where the second fluid passage is closed (fluid flow through 130 only). The specification in paragraph [0031] clearly identifies the flow through 130 as being sufficient and thus no additional flow is needed until the flow increases to open the second flow passage. Claim 1 does not define the first flow passage, passage 130, as being closed. Reconsideration of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Vermolen, et al. in view of de Molina. Applicants respectfully traverse this rejection. Claim 1 defines "the first fluid passage as an aperture extending through the membrane to allow a specified amount of fluid flow between the first chamber and the second chamber through the first passage. Thus, the fluid flow is defined as through the aperture since the first fluid passage is defined as the aperture. As previously discussed, Vermolen, et al. does not disclose fluid flow through aperture 106 between the two fluid chambers. Assuming that the shim disc could contact land 96 (the second position of the membrane) there could not possibly be flow through restriction 108 since it would be closed. As described in Vermolen, et al., hole 106 is a tuning parameter for the shock absorber because it affects the stiffness for the assembly (column 5, line 15) and not because of fluid flow through hole 106. The size of restriction 108 is controlled by hole 106 because it controls the stiffness of the assembly which is affected by the thickness of disc 78 and the pressure in chambers 110 and 112. Reconsideration of the rejection is respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and

favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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